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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/493,652	01/28/2000	Thomas David Reid Ford	4742	2505	
75	90 07/12/2002	·			
Shoemaker and Mattare, LTD.			EXAMINER		
Crystal Plaza Building 1 2001 Jefferson Davis Highway			MACKEY, PATRICK HEWEY		
Suite 1203 Arlington, VA 22202			ART UNIT	PAPER NUMBER	
71111115ton, v.11			3651		
			DATE MAILED: 07/12/2002	DATE MAILED: 07/12/2002	

Please find below and/or attached an Office communication concerning this application or proceeding.

1				<u> </u>
		Application No.	Applicant(s)	
	_	09/493,652	FORD ET AL.	
	Office Action Summary	Examiner	Art Unit	
		Patrick H. Mackey	3651	
Period fo	- The MAILING DATE of this communication app r Reply	pears on the cover sheet with	the correspondence address	
THE N - Exten after S - If the - If NO - Failur - Any re	DRTENED STATUTORY PERIOD FOR REPL MAILING DATE OF THIS COMMUNICATION. sions of time may be available under the provisions of 37 CFR 1.1 SIX (6) MONTHS from the mailing date of this communication. period for reply specified above is less than thirty (30) days, a repl period for reply is specified above, the maximum statutory period e to reply within the set or extended period for reply will, by statute sply received by the Office later than three months after the mailing d patent term adjustment. See 37 CFR 1.704(b).	36(a). In no event, however, may a repl y within the statutory minimum of thirty (will apply and will expire SIX (6) MONTH b. cause the application to become ABAN	y be timely filed 30) days will be considered timely. S from the mailing date of this communication. IDONED (35 U.S.C. § 133).	
1)	Responsive to communication(s) filed on 26.	June 2002 .		
2a)□		nis action is non-final.		
3)	Since this application is in condition for allow		ers, prosecution as to the merits is	
,—	closed in accordance with the practice under on of Claims	Ex parte Quayle, 1935 C.D.	11, 453 O.G. 213.	
•	Claim(s) <u>12-25</u> is/are pending in the application	on.		
•	4a) Of the above claim(s) is/are withdra		•	
	Claim(s) is/are allowed.			
•	Claim(s) <u>12-25</u> is/are rejected.			
•	Claim(s) is/are objected to.			
•	Claim(s) are subject to restriction and/o	or election requirement		
	on Papers	or oronom roquiromonia		
• •	The specification is objected to by the Examine	er.		
/—	Fhe drawing(s) filed on is/are: a)☐ acce		e Examiner.	
,,	Applicant may not request that any objection to the			
11) 🔲 -	The proposed drawing correction filed on			
,	If approved, corrected drawings are required in re			
12) 🔲 🧵	The oath or declaration is objected to by the Ex	kaminer.		
Priority ι	ınder 35 U.S.C. §§ 119 and 120			
13)⊠	Acknowledgment is made of a claim for foreig	n priority under 35 U.S.C. §	119(a)-(d) or (f).	
	☑ All b)☐ Some * c)☐ None of:			
	1.⊠ Certified copies of the priority documen	ts have been received.		
	2. Certified copies of the priority documen	ts have been received in App	olication No	
* 5	3. Copies of the certified copies of the price application from the International Business the attached detailed Office action for a list	ıreau (PCT Rule 17.2(a)).		
	acknowledgment is made of a claim for domest).
а) ☐ The translation of the foreign language pr	ovisional application has bee	en received.	
	Acknowledgment is made of a claim for domes	tic priority under 35 U.S.C. §	3 120 and/or 121.	
Attachmen		A) [] (immani (PTO-413) Panor No/o)	
2) Notic	e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (PTO-948) nation Disclosure Statement(s) (PTO-1449) Paper No(s) _	5) Notice of Inf	mmary (PTO-413) Paper No(s) ormal Patent Application (PTO-152)	
C. Cotoot and T	rademark Office			

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DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/26/2002 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 3. Claims 12-20 and 24-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Salomon. Salomon discloses a Mail location apparatus to locate a mail item (M) inserted thereinto at a predetermined location in a first (A) and second (B) mutually perpendicular direction that includes a reference wall (7) (see Fig. 1), with an aperture for a print mechanism (see col. 2, line 57 and Figure 1), a support platform (9), a first guide (11) for engagement by a first edge (15) of the mail item (M), a second guide (13) for engagement by a second edge (18) of the mail item (M), and a sensor unit (27) including a face (see Figure 5) engageable by the mail item (M), a pivot (21), a resilient member (23), and a detector (27a, 27b). Salomon discloses that the face of the sensor unit (27) extends between the adjacent ends of the first and

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second guide walls across a corner of the predetermined location at an angle that is approximately 45 degrees (see Figure 5).

Claim Rejections - 35 USC § 103

- 4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- Claims 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Salomon in 5. view of Beck et al. Salomon discloses all the limitations of the claims (see above), but it does not disclose that the support platform is displaceable between an open position and a closed position. However, Beck discloses similar device that includes a support platform (22) that is displaceable between an open position and a closed position for the purpose of holding the mail item in place during printing. It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to utilize a support platform is displaceable between an open position and a closed position for the purpose of holding the mail item in place during printing.

Response to Arguments

- 6. Applicant's arguments filed 6/26/2002 have been fully considered but they are not persuasive
- The applicant states that Salomon does not disclose a face inclined to both a first and 7. second mutually perpendicular directions that is engaged by a corner of the mail item where the

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mail item is inserted in the first direction, the second direction, and any direction intermediate thereto.

- 8. In response, the examiner notes that Salomon, in Figure 5, discloses a face (19b). The face includes a plurality of inclined portions (the left side as well as the curved portion) such that it would be engaged if the mail item is inserted in any direction.
- 9. The applicant states that Salomon does not disclose that the face is inclined at approximately 45 degrees.
- 10. In response, the examiner notes that the applicant's disclosure does not define what is meant by "approximately". Therefore, under the terms broadest reasonable interpretation, the face illustrated by Salomon in Figure 5 is inclined at approximately 45 degrees.
- 11. The applicant states that although Salomon discloses that the face extends into a space between the ends of the walls, Salomon does not disclose that the face extends between the ends of the walls.
- 12. In response, the examiner does not appreciate the difference between the two statements. However, the examiner notes that the applicant has not unambiguously defined a structure that connects a point located at the end of a first reference wall with a point located at the end of a second reference wall. Thus claim 24, as written, includes the structure disclosed by Salomon.
- 13. Finally, the applicant states that Salomon does not include a reference wall.
- 14. In response, Salomon discloses a reference wall (7) for referencing the mail item. The top cover forms an opening for the mail item.

Conclusion

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15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick H. Mackey whose telephone number is (703) 308-0630. The examiner can normally be reached on Tuesday-Friday 7:00 a.m. - 5:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Ellis can be reached on (703) 308-2560. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 308-2571 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Patrick H. Mackey

Examiner

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